

FBN/FS

Decision No. 90026 • FEB 27 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of the CONSOLIDATED DISTRIBUTION)
SERVICES, INC., a California Cor-)
poration, for a certificate of)
public convenience and necessity)
to add to, extend, or otherwise)
increase warehouse storage space)
for a public warehouse presently)
being operated in the City of)
Union City, California, pursuant)
to the provisions of Section 1051)
of the California Public Utilities)
Code.)

Application No. 58592
(Filed January 8, 1979)

OPINION AND ORDER

Consolidated Distribution Services, Inc., a California corporation, possesses a certificate of public convenience and necessity as a public utility warehouseman for the operation of storage or warehouse floor space at Union City. By this application, it seeks authority to increase its storage or warehouse floor space from 140,000 square feet to 251,800 square feet.

Applicant has conducted warehouse operations since July 7, 1976, pursuant to authority granted by Decision 86062.

Applicant has demonstrated that it possesses experience and financial ability to conduct warehouse operations. Applicant is now experiencing growing and continuing demands from its customers and potential storers to increase its storage and warehouse space.

A copy of the application was mailed to the California Warehouseman's Association. The application was listed on the Commission's Daily Calendar of January 12, 1979. No objection to the granting of the application has been received.

In the circumstances, the Commission finds that:

1. Public convenience and necessity require that applicant increase its storage and warehouse floor space to 251,800 square feet at Union City.
2. The proposed increase in storage and warehouse floor space would not be adverse to the public interest.
3. It can be seen with certainty that there is no possibility that the activity in question will have a significant effect on the environment.
4. A public hearing is not necessary.
5. The order which follows will provide for revocation of the present certificate held by applicant and the issuance in its place and stead a new certificate in appendix form.

The applicant's attorney, by letter, states that there is immediate need by the warehouse patrons for the additional floor space.

The Commission concludes that the application should be granted with the effective date of this order on the date hereof.

Consolidated Distribution Services, Inc., is placed on notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, such rights extend to the holder a full or partial monopoly of a class of business. This monopoly feature may be modified or canceled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Consolidated Distribution Services, Inc., to operate as a public utility warehouseman, as defined in Section 239(b) of the Public Utilities Code, for the operation of storage or warehouse floor space set forth in Appendix A, attached hereto and made a part hereof.

2. In providing service pursuant to the authority granted by this order, applicant shall comply with the following service regulations. Failure to do so may result in a cancellation of the authority.

- (a) Within thirty days after the effective date of this order, applicant shall file a written acceptance of the certificate granted. Applicant is placed on notice that if it accepts the certificate it will be required, among other things, to file annual reports of its operations.
- (b) Within one hundred and twenty days after the effective date of this order, applicant shall establish the authorized service, and file tariffs, in triplicate, in the Commission's office.
- (c) The tariff filings shall be made effective not earlier than one day after the effective date of this order on not less than one day's notice to the Commission and the public, and the effective date of the tariff filings shall be concurrent with the establishment of the service authorized.
- (d) The tariff filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order 61-Series.
- (e) Applicant shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before March 31 of each year, an annual report of its operations in such form, content and number of copies as the Commission, from time to time, shall prescribe.


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3. The certificate of public convenience and necessity granted by Decision 86062 dated July 7, 1976 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 2 (b).


The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 27th day of


~~FEBRUARY~~, 1979.




President



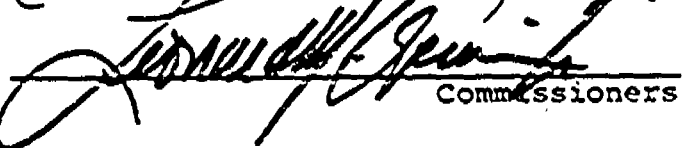
Commissioner



Commissioner



Commissioner



Commissioners

Consolidated Distribution Services, Inc., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to operate as a public utility warehouseman as defined in Sections 239(b) and 239(c) of the Public Utilities Code for the operation of storage or warehouse floor space as follows:

<u>Location</u>	<u>Number of Square Feet of Floor Space</u>
Union City	251,800

(The floor space shown is exclusive of the expansion permissible under Section 1051 of the Public Utilities Code.)

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

Decision 90026, Application 58592.